

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 22

Filed by: Trial Section Merits Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ERNST K. JUST, THOMAS G. MAJEWICZ
and ARJUN C. SAU,

Junior Party,
(Reissue Patent Re 34,904),

v.

EMMETT M. PARTAIN III,
GEORGE L. BRODE II and RICHARD C. HOY,

Senior Party
(Application 08/486,370).

Patent Interference No. 104,633 (McK)

Before: McKELVEY, Senior Administrative Patent Judge, and
SPIEGEL and MEDLEY, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of JUST'S REQUEST FOR ENTRY OF ADVERSE
JUDGMENT (Paper 21), it is

ORDERED that judgment on priority as to Count 1 (Paper 1, page 5), the sole count in the interference, is awarded against junior party ERNST K. JUST, THOMAS G. MAJEWICZ and ARJUN C. SAU.

FURTHER ORDERED that junior party ERNST K. JUST, THOMAS G. MAJEWICZ and ARJUN C. SAU is not entitled to a patent containing claims 1-47 (corresponding to Count 1) of Reissue Patent 34,904, issued 11 April 1995, as a reissue of Patent 5,120,838, issued 9 June 1992, based on application 07/428,912, filed 30 October 1989.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/486,370 and Reissue Patent 34,904.

FURTHER ORDERED that if there is any additional agreement apart from the settlement agreement already filed in the USPTO, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

_____)
FRED E. McKELVEY, Senior)
Administrative Patent Judge)
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_____)
CAROL A. SPIEGEL) BOARD OF PATENT

Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
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SALLY C. MEDLEY)	
Administrative Patent Judge)	

104,633

cc (via first class mail):

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